

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

IN RE SILVER WHEATON CORP.
SECURITIES LITIGATION

Master File No. 2:15-cv-05146-CAS-
(PJWx)

**[PROPOSED] ORDER GRANTING
DELOITTE LLP'S MOTION TO
DISMISS THE SECOND AMENDED
COMPLAINT**

1 The Court, having reviewed and considered all submissions in favor of, and
2 opposed to, Defendant Deloitte LLP's ("Deloitte") Motion to Dismiss the Second
3 Amended Complaint, finds that the Second Amended Complaint (the "Complaint")
4 fails to satisfy the applicable pleading standards under Federal Rules of Civil
5 Procedure 12(b)(6) and 9(b), and the Private Securities Litigation Reform Act of 1995.
6 Accordingly, **IT IS HEREBY ORDERED** that Deloitte's Motion to Dismiss is
7 **GRANTED** in its entirety and with prejudice on the following grounds:

8 1. The Complaint fails to state a claim under Section 10(b) of the Securities
9 Exchange Act of 1934 and SEC Rule 10b-5:

10 a. The Complaint fails to adequately plead any actionable
11 misstatement or omission of material fact made by Deloitte. *E.g., In re Rigel Pharm.,*
12 *Inc. Sec. Litig.*, 697 F.3d 869, 879 (9th Cir. 2012); *Emp. Teamsters Local Nos. 175 &*
13 *505 Pension Tr. Fund v. Clorox Co.*, 353 F.3d 1125, 1131-33 (9th Cir. 2004).

14 b. The Complaint fails to adequately plead scienter. *E.g., Tellabs v.*
15 *Makor Issues & Rights, Ltd.*, 551 U.S. 308, 319, 324 (2007); *In re Silicon Graphics*
16 *Sec. Litig.*, 183 F.3d 970, 986 (9th Cir. 1999); *Rigel*, 697 F.3d at 884.

17 c. The Complaint fails to adequately plead loss causation. *E.g., Loos*
18 *v. Immersion Corp.*, 762 F.3d 880, 887 (9th Cir. 2014); *Ore. Pub. Emps. Ret. Fund v.*
19 *Apollo Grp. Inc.*, 774 F.3d 598, 604-05 (9th Cir. 2014).

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21 **IT IS SO ORDERED.**

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23 Dated: _____

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26 The Honorable Christina A. Snyder
27 United States District Judge
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